

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>ORDER</u>
- v. -	:	S1 20 Cr. 161 (MKV)
SARAH IZHAKI,	:	
Defendant.	:	

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WHEREAS, the Coronavirus Aid, Relief, and Economic Securities Act ("CARES Act") findings made by the Judicial Conference of the United States and the March 30, 2020 Standing Order of Chief Judge Colleen McMahon of the Southern District of New York allow for guilty pleas to be taken by video or telephone conference, subject to certain findings made by the District Judge; see Southern District of New York Standing Order, 20 MC 176, March 30, 2020;

WHEREAS, an application was made by the United States of America and Sarah Izhaki, the defendant, in advance of a change of plea colloquy held on September 16, 2020, seeking to proceed with that colloquy by videoconference pursuant to Section 15002 *et seq.* of the CARES Act. See H.R. 748, Section 15002 *et seq.*, P.L. 116-136, signed into law on March 27, 2020 (noting that if "the district judge in a particular case finds for specific reasons that the plea . . . in that case cannot be further delayed without serious harm to the interests of justice, the plea . . . may be

conducted by video teleconference, or by telephone conference if video teleconferencing is not reasonably available");

WHEREAS, in support of that application, the parties jointly submitted a July 31, 2020 letter setting forth facts establishing specific reasons to proceed with the defendant's change of plea proceeding via a video teleconference;

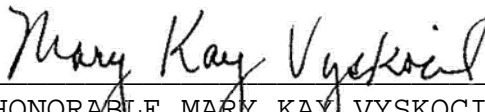
THE COURT HEREBY FINDS that because the defendant consented to proceeding remotely, and for the reasons set forth in the parties' submission, the proceeding could not have been further delayed without serious harm to the interests of justice;

IT IS HEREBY ORDERED that the parties' joint application to proceed with the defendant's change of plea proceeding via video or teleconference is granted *nunc pro tunc* for the reasons stated in the parties' joint application; and

IT IS FURTHER ORDERED that the parties' July 31, 2020 joint application shall be maintained under seal pending further order of the Court.

SO ORDERED:

Dated: New York, New York
October 2, 2020



HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: **AFFIRMATION**
: **AND APPLICATION**

- v. -

: S1 20 Cr. 161 (MKV)

SARAH IZHAKI,

:

Defendant.

:

- - - - -X

Sarah Mortazavi hereby affirms, under penalty of perjury and pursuant to Title 28, United States Code, Section 1746, as follows:

1. I am an Assistant United States Attorney in the office of Audrey Strauss, Acting United States Attorney for the Southern District of New York, and I am familiar with this matter. By this affirmation, the Government applies for an order of the Court granting, *nunc pro tunc*, the parties' July 31, 2020 joint application to proceed with the defendant's change of plea proceeding via video teleconference pursuant to Section 15002 *et seq.* of the Coronavirus Aid, Relief, and Economic Securities Act ("CARES Act"), and to maintain the July 31, 2020 application under seal pending further order of the Court, given that it discusses issues related to the defendant's health.

2. On or about February 26, 2020, a grand jury in this

district returned an indictment charging the defendant, among others, with conspiracy to violate the misbranding and drug adulteration laws of the United States, in violation of Title 18, United States Code, Section 371, in the case United States v. Sarah Izhaki and Ashley Lebowitz, 20 Cr. 161 (MKV). The defendant was arrested on or about March 9, 2020.

3. On or about July 31, 2020, in advance of a change of plea proceeding, the parties submitted a letter requesting that Izhaki's change of plea proceed via video teleconference pursuant to the CARES Act, and setting forth reasons for that joint request.

4. Accordingly, the Government respectfully requests that the Court enter the accompanying Order granting the parties' joint application for a remote change of plea proceeding.

Dated: New York, New York
September 22, 2020

A handwritten signature in black ink, appearing to read 'SMort', is written over a horizontal line.

Sarah Mortazavi
Assistant United States Attorney
Southern District of New York
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